**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 5591 of 1999**

**Dated: 18-08-2005**

Between:

N. Jalapathi Reddy, S/o. Pedda Narashima Reddy, R/o. Konaraopet, Hamlet Jellapelly (M), Yelligali (P),Karimnagar District.

**..... PETITIONER**

AND

1 The Hon'ble Industrial Tribunal cum Labour Court, Godavarikhani,
2 The Depot Manager, APSRTC, Karimnagar Depot.

**.....RESPONDENTS**

**THE HONOURABLE SRI JUSTICE C.V.RAMULU**

**W.P.NO. 5591 OF 1999**

**ORDER:**

This writ petition is filed by the workman being aggrieved by the Award made in I.D.No.301 of 1990 dated 22-8-1997 in so far as denying the continuity of service, back wages and attendant benefits.

It is the case of the workman that he was appointed in APSRTC, Karimnagar region as Conductor in the year 1964. While so,when he was conducting bus on the route Karimnagar to Nizamabad on 20th September,1966, a check was exercised at Metpally stage and found certain cash and ticket irregularities. After conducting a detailed enquiry, the workman was removed from service. However, the workman did not raise any dispute before the competent authority as to his removal from service till 1990 i.e. for about 24 years. However, in the year, 1990 he filed a petition under Section 2A (2) of the Industrial Disputes Act and the same was taken up on file by the Labour Court as I.D.No.301 of 1990 and finally the same was disposed of on 22-8-1997 directing the second respondent to reinstate the workman into service without continuity of service and without back wages. According to the workman, once the Labour Court comes to the conclusion that the removal from the service is not justified, denial of continuity of service and back wages is erroneous . Hence,

this writ petition.

A detailed counter affidavit has been filed by the second respondent denying the allegations made by the workman and further it is asserted that the Labour Court itself had taken a lenient view of the matter in entertaining the petition under section 2 A (2) of the Industrial Disputes Act after more than 24 years of the purported termination or removal of the workman from the service and further having taken the matter leniently, granted relief of fresh appointment. There is nothing further that the workman is entitled to in the overall circumstances of the case and the writ petition is devoid of merits and is liable to be dismissed.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the award passed by the Labour Court and other material made available on record.

Admittedly, this is a case, where the Labour Court entertained a petition filed under Section 2 A(2) of the Industrial Disputes Act after a lapse of more than 24 years from the date of the alleged removal from service of the workman and granted some relief. While, granting the relief the Labour Court denied the continuity of service and attendant benefits. It is curious to note that even according to the workman, he was appointed into the service of the Corporation in the year 1964 and he was removed in 1966, hardly he rendered two years of service in the Corporation. If any, further relief of continuity of service is granted, it is nothing but a reward for the misconduct committed by the workman and having approached the Labour Court after lapse of more than 24 years. In fact, the Labour Court ought not to have entertained the stale petition. The writ petition is devoid of merit and is liable to be dismissed.

The Writ Petition is accordingly dismissed. No order as to costs.

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C.V.RAMULU, J

18-08-2005

Stp